

SENATE BILL 2302

By Haun

AN ACT to amend Tennessee Code Annotated, Title 55, relative to Electric Personal Assistive Mobility Devices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, is amended by adding sections 2 through 6 of this act as a new, appropriately designated chapter.

SECTION 2. As used in this act, "Electric Personal Assistive Mobility Device" or "EPAMD" means a self-balancing, two (2) non-tandem wheeled device, designed to transport only one (1) person, with an electric propulsion system with average power of seven hundred fifty watts (750 w.) or one horse power (1 hp.), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy pounds (170 lbs.), is less than twenty miles per hour (20 mph).

SECTION 3.

(a) The regulation and operation of Electric Personal Assistive Mobility Devices shall be governed exclusively by the provisions of this act.

(b) Notwithstanding any other provision of law to the contrary, an EPAMD shall not be considered to be a "vehicle," "motor vehicle," "passenger motor vehicle," "passenger car," "motorcycle," "motorized bicycle," "motor bicycle," "motor-driven cycle,"

"motor scooter" or "all-terrain vehicle" within the meaning of the laws of this state and no provisions of law relating to vehicles, motor vehicles, passenger motor vehicles, passenger cars, motorcycles, motorized bicycles, motor bicycles, motor-driven cycles, motor scooters or all-terrain vehicles shall apply to EPAMDs unless specified in this act, including, but not limited to, any provisions of §55-12-101 *et seq.* and any provisions of law relating to motor vehicle registration, licensing, operation or equipment.

SECTION 4. An EPAMD shall be equipped with a system that when employed will enable the operator to bring the device to a controlled stop and, if the EPAMD is operated between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, front, rear and side reflectors and a lamp emitting a white light which, while the EPAMD is in motion, illuminates the area in front of the operator and is visible from a distance of three hundred feet (300') in front of and from the sides of the EPAMD; provided, however, that the provisions of this section requiring the use of reflectors and a lamp during the period between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise shall be deemed to be satisfied if the operator of the EPAMD wears a headlight and reflectors on his or her person.

SECTION 5.

(a) Nothing in this act or in any other law of this state shall be construed to limit the operation of an EPAMD on the public highways, sidewalks, bike trails and bicycle routes of this state except as otherwise set forth in this act.

(b) A person operating an EPAMD shall obey all speed limits for motor vehicles and shall yield the right-of-way to pedestrians and human powered devices at all times.

(c) Notwithstanding any other provision of this act to the contrary, the department of transportation shall have the authority to regulate or prohibit the operation of EPAMDs on any highway within its jurisdiction if it determines that such regulation or prohibition is necessary in the interest of public safety.

SECTION 6. It is the intent of the general assembly, by enacting this legislation, to preempt any other regulation of the area covered by this act, including, without limitation, any regulation of the operation of EPAMDs. This act shall preempt and supersede all existing and future laws, regulations, resolutions and ordinances of any county, town, city, municipality or other governmental subdivision or agency respecting the subjects covered by this act.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.